



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Rezoning

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

ZB 1-4-00 Howard J. Zimmerman, petitioner/Seventy-Five East, Inc., owner - General Address 14901 Orange Drive/Generally located on the north side of Orange Drive on the east side of Shotgun Road and the I-75 on-ramp.

**REPORT IN BRIEF:**

The approval of the 1995 annexation agreement anticipated this site would be rezoned to the B-3 District consistent with the existing "commercial" land use designation. Therefore, the petitioner is requesting to rezone the subject property to the B-3, Planned Business Center District. The petitioner has also voluntarily offered to restrict certain uses permitted within the B-3 zoning district should this rezoning be approved (see attached list of uses to be restricted). This request is a continuation of the request for rezoning for the abutting property to the east, also on this agenda under application ZB 1-3-00.

This property differs from the abutting property to the east, only by the land to the north which is land use designated Residential 1 du/ac. Staff believes the impact of the proposed development to the residential land to the north will be minimal, as a wall and landscape buffer is required by code. The petitioner will also be contributing additional land along the north property line for a recreational trail which will increase the width of the buffer. Most importantly, the residential land to the north is currently vacant which allows the developer of the this property to implement good design practices to further reduce any negative impacts to residential units placed along the north property line. All other properties to the east, west and south are buffered by similar or less intense land uses.

As noted above, this development and the adjacent property requesting the B-3 zoning to the east (ZB 1-3-00) may increase traffic between 10,000 and 13,000 trips per day each, resulting in a Level of Service below the adopted Level of Service "D" by the Town. The petitioner acknowledges that improvements are necessary to Orange Drive to accommodate the projected site traffic, and is proposing to expand the roadway from two lanes to four lanes between SW 142 Avenue (Boy Scout Road) and SW 154 Street (Shotgun Road). The petitioner is also proposing a bridge across the new river canal connecting Orange Drive to Griffin Road, approximately 650 feet west of SW 142 Avenue (Boy Scout Road). Specific information on the amount of capacity this would create has not been provided by the petitioner.

The petitioner has also offered to enter into a "Developer's Agreement" with the Town of Davie to ensure that all affected roadways will meet a Level of Service of "D" or better, prior to the issuance of any building permits. The petitioner is also required to satisfy Broward County concurrency review at the time of platting for roadways. Based on this information, staff believes the proposed rezoning is consistent with the Town's Future Land Use Plan Policies and that sufficient capacity will be available at the time of development.

Therefore, staff believes this location is a logical site for the proposed B-3 District, as it is located adjacent to a major Interstate, is consistent with the Town's Future Land Use Map and Comprehensive Plan Policies, is consistent with the approved annexation agreement, and will not be contrary to the public welfare.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:**

- The Planning and Zoning Board deferred consideration of this item to its March 22, 2000 meeting (motion carried 5-0, February 23, 2000).
- The Planning and Zoning Board recommended approval subject to the Developer's Agreement, the voluntary Deed Restrictions, and the conceptual master plan (motion carried 5-0, March 22, 2000).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve subject to the voluntary Developer's Agreement, the voluntary Declaration of Restrictions and the Conceptual Master Plan.

**Attachment(s):** Planning report with back-up, land use map, subject site map, and aerial.

**Application #:** ZB 1-4-00  
**Exhibit "A":**

**Revisions:**

**Original Report Date:** 3/15/00

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Name:** Seventy-Five East, Inc.  
**City:** Pembroke Pines, FL 33024  
**Address:** 9000 Sheridan Street  
**Phone:** (954) 431-7111

**Agent:**

**Name:** Howard J. Zimmerman  
**City:** Pembroke Pines, FL 33024  
**Address:** 9000 Sheridan Street  
**Phone:** (954) 431-7111

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**BACKGROUND INFORMATION**

**Application Request:** To rezone 27.24 acres of property from A-1, Agricultural District to B-3, Planned Business Center District.

**Address/Location:** General Address - 14901 Orange Drive/Generally located on the east side of Shotgun Road and the I-75 on-ramp.

**Land Use Plan Designation:** Commercial

**Zoning:** A-1, Agricultural District

**Existing Use:** Vacant land.

**Proposed Zoning:** B-3, Planned Business Center District

**Proposed Use:** Commercial retail and office.

**Parcel Size:** 27.24 acres (1,186,574 square feet)

**Surrounding Land Use:**

**North:** Vacant Land  
**South:** Vacant Land, within Cooper City  
**East:** Vacant land, and the Broward County  
Landfill.  
**West:** Interstate I-75

**Land Use Designation**

Residential 1 du/ac  
Commercial  
Commercial and Recreation  
and open space.  
Transportation

## **Surrounding Zoning:**

**North:** A-1, Agricultural District

**South:** E, Estate District, within Cooper City.

**East:** A-1, Agricultural District proposed as B-3, Planned Business Center, and RS, Recreation and Open Space District.

**West:** T, Transportation District

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## **ZONING HISTORY**

### **Related Zoning History:**

- In 1995, the “Imagination Farms Settlement Agreement” was approved.
- Also on this agenda, the petitioner is requesting the adjacent 33 acres to the east be rezoned from A-1 to B-3 under petition number ZB 1-3-00.

**Previous Requests on same property:** None.

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## **DEVELOPMENT PLAN DETAILS**

### **Conceptual Master Plan:**

- The conceptual master plan provided by the petitioner indicates a total of two buildings are proposed for this site. The plan indicates one of these buildings will be 250,000 square feet and does not list the other building square footage. The second building appears to be of a standard outparcel type building approximately between 2,000 to 6,000 square feet. Specific information regarding the types of uses to occupy the buildings, square footage, and access points have not been provided on the plan. Staff has discussed these issues with the applicant who has indicated the buildings will be used for retail uses and that access will occur via Orange Drive, however, site design and building design is in the preliminary stages and specific building square footage and circulation patterns may vary (see attached conceptual Master Plan).
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## **Applicable Codes and Ordinances**

Land Development Code Section 12-307, Review for Rezoning.

Land Development Code Section, 12-34(AA)(1), which requires a conceptual master plan for development of land within the B-3, Planned Business Center District.

## **Comprehensive Plan Considerations**

**Planning Area:** The subject site falls within Planning Area 2. This area includes the westernmost section of the Town north of Orange Drive and south of SW 14th Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single family residential at a density of one dwelling unit per acre. The Broward County Land Fill site, now closed, is programmed for redevelopment as a park site. The Boy Scout Camp is located to the north of the landfill site and is also used for recreational and open space purposes.

- This development is consistent with the existing “commercial” land use designation.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113.

The petitioner will be required to obtain Plat approval by the Town of Davie and Broward County prior to site plan approval. Concurrency review pertaining to roadways and utilities infrastructure will occur at the time of platting. This site lies within a compact deferral area, as identified by the Broward County Compact Deferral Map. The petitioner will be required to mitigate for the impact of the development to those affected overcapacity links at the time of platting.

**Concurrency Considerations:**

- According to the Broward County Compact Deferral Map, the subject site lies within a compact deferral area. The petitioner will be required to mitigate for the impact of the development to those affected overcapacity links at the time of platting.
- Orange Drive, west of Flamingo Road, is currently operating at a level of service (LOS) “A”, with “A” being the optimum operation condition.
- Griffin Road, east of I-75, is currently operating at a LOS “A”.
- Shotgun Road (154 Avenue), is currently operating at a LOS “A”.
- There is no information available relating to the current and projected traffic volumes for SW 142 Avenue, nor is it monitored by Broward County. However, the Town of Davie Comprehensive Plan indicates Shotgun Road, just west of SW 142 Avenue, is operating at an LOS “A” which may indicate that SW 142 Avenue is also operating at a high level of service.
- The petitioner has not provided specific building square footage information on the conceptual plan, therefore, staff is unable to calculate the exact projected LOS of Shotgun Road, Orange Drive and SW 142nd Avenue and Griffin Road may be if the proposed development is approved. However, when applying a realistic building coverage ratio of 17% for this site and the adjacent property being petitioned for B-3 zoning under application ZB 1-3-00 to the Broward County trips rate information, staff can determine that approximately 10,000 to 13,000 trips per day will be generated by each development. The resulting Level of Service would be below the Level of Service “D” adopted by the Town.

**Applicable Goals, Objectives & Policies:**

Future Land Use Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

Future Land Use Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterial not designated by the Future Land Use Plan map as commercial

corridors should be limited to the intersection of two arterial or arterial and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

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### **Staff Analysis**

The approval of the 1995 annexation agreement anticipated this site would be rezoned to the B-3 District consistent with the existing “commercial” land use designation. Therefore, the petitioner is requesting to rezone the subject property to the B-3, Planned Business Center District. The petitioner has also voluntarily offered to restrict certain uses permitted within the B-3 zoning district should this rezoning be approved (see attached list of uses to be restricted). This request is a continuation of the request for rezoning for the abutting property to the east, also on this agenda under application ZB 1-3-00.

This property differs from the abutting property to the east, only by the land to the north which is land use designated Residential 1 du/ac. Staff believes the impact of the proposed development to the residential land to the north will be minimal as an 8-foot high wall and 10-foot landscape buffer is required by code. The petitioner will also be contributing additional land along the north property line for a recreational trail which will increase the width of the buffer. Most importantly, the residential land to the north is currently vacant which allows the developer of this property to implement good design practices to further reduce any negative impacts to residential units placed along the north property line. These may include, landscaping above code, larger rear yard setbacks, or placement of roadways along the south property line of the residential land. All other properties to the east, west and south are buffered by similar or less intense land uses.

Staff believes that access should be limited only to Orange Drive to further reduce the impact to the abutting residential land. Restricting access to Orange Drive would reduce commercial traffic on Shotgun Road which provides access to existing and future residential homes.

As noted above, this development and the adjacent property requesting the B-3 zoning to the east (ZB 1-3-00) may increase traffic between 10,000 and 13,000 trips per day each, resulting in a Level of Service below the adopted Level of Service “D” by the Town. The petitioner acknowledges that improvements are necessary to Orange Drive to accommodate the projected site traffic, and is proposing to expand the roadway from two lanes to four lanes between SW 142 Avenue (Boy Scout Road) and SW 154 Street (Shotgun Road). The petitioner is also proposing a bridge across the new river canal connecting Orange Drive to Griffin Road, approximately 650 feet west of SW 142 Avenue (Boy Scout Road). Specific information on the amount of capacity this would create has not been provided by the petitioner.

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Therefore, staff believes this location is the most logical site for the proposed B-3 District located adjacent to a major Interstate, is consistent with the Town’s Comprehensive Plan Policies, is consistent with the approved annexation agreement and will not be harmful to the public welfare.

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## Findings of Fact

### Section 12-307(A)(1):

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood, based on the information provided;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety, based on the information provided;
- (f) The proposed change will not adversely affect other property values;
- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations, based on the information provided;
- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are substantial reasons why the property cannot be used in accord with existing zoning due to the existing "Commercial" land use.
- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

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## Staff Recommendation

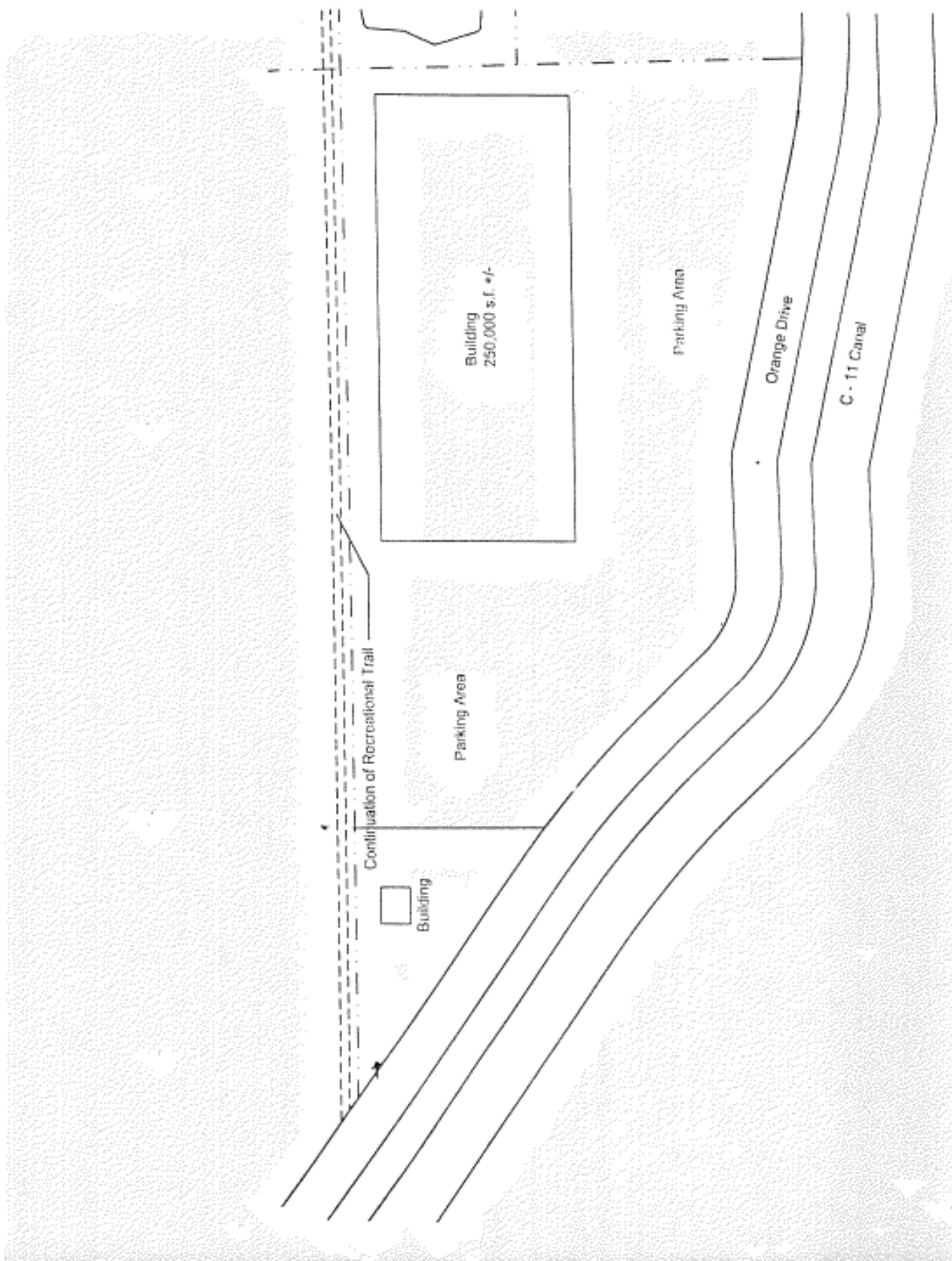
**Recommendation:** Based upon the above and the overall finding of facts in the positive, staff recommends **approval** of application no. ZB 1-4-00, subject to the "Developer's Agreement" offered by the petitioner as noted in the planning report, the voluntary "Declaration of Restrictions", and the conceptual master plan attached hereto.

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## Exhibits

1. Conceptual Master Plan
2. List of B-3 District permitted uses
3. Land Use Map
4. Subject Site Map
5. Aerial

Prepared by: \_\_\_\_\_  
Reviewed by: \_\_\_\_\_





(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS  
GENERAL USE

	DISTRICTS							
	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	CI	RO
Adult Facilities	N	N	*	N	N	N	N	N
Agriculture	*	*	*	*	N	*	N	*
Agriculture, Commercial	*	*	*	*	*	*	*	*
Amusement Parks	N	N	N	N	N	N	N	N
Animal Hospital	P	P	P	N	N	N	P	N
Animal Kennel	N	N	N	N	N	N	P	N
Antique, Crafts Shops	P	P	P	N	N	N	N	N
Athletic/Health Clubs, Gyms	N	P	P	N	P	*	P	N
Art Gallery	P	P	P	P	P	N	N	N
Auction House	N	*	*	N	N	N	*	N
Banks, Financial	P	P	P	P	P	P	N	N
Bakery, Delicatessen	P	P	P	N	P	*	P	N
Barber, Beauty Shops	P	P	P	N	P	*	P	N
Bars, Lounges	N	*	*	N	*	*	*	N
Bingo Establishments	N	1	1	N	N	N	*	N
Boat Yards	N	N	N	N	N	N	P	N
Bookstores, Newsstand	P	P	P	N	P	**	P	N
Botanical Gardens	N	N	N	N	P	N	P	N
Bottled Fuel	N	N	N	N	N	N	P	N
Bowling, Skating	N	P	P	N	N	N	P	N
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N
Car Wash	N	P	P	N	N	N	P	N
Catering (Food)	N	P	P	N	N	P	P	N
Communication Apparatus	*	*	*	*	*	*	*	*
Contractor, office only	P	P	P	P	N	P	P	P
Convenience Stores	P	P	P	N	*	N	P	N
Dance Halls, Clubs	N	P	P	N	P	N	P	N
Distribution Facilities	N	N	N	N	N	N	P	N
Dry Cleaning	*	*	*	N	N	**	P	N
Florist, Plant Shop	P	P	P	N	P	**	P	N
Game Room, Arcade	N	P	P	N	N	N	P	N
Gardeners, Landscape Contractors	N	N	N	N	N	N	P	N
Gift Shops	P	P	P	N	N	**	P	N
Golf Courses	N	P	P	N	P	N	N	N
Home Occupation	N	N	N	N	N	N	N	P
Hotels, Motels	N	N	*	N	P	*	N	N
Laboratories	N	N	N	P	P	P	P	N
Light Fabrication	N	N	N	P	N	P	P	N
Machine Shop	N	N	N	N	N	N	P	N

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS  
GENERAL USE

## DISTRICTS

	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	CI	RC
Medical Clinic, Doctor's Office	N	P	P	N	N	P	N	N
Mini Warehouse/Self Storage	N	N	N	N	N	.	.	N
Mobile Home Sales	N	.	.	N	N	N	P	N
Mortuary	N	P	P	N	N	N	P	N
Motion Picture Studio	N	N	N	N	N	P	.	N
Motor Fuel Pumps	N	.	.	N	.	N	.	N
Movie Theater, Performing Arts	N	P	P	N	P	N	.	N
Night Clubs	N	.	.	N	.	.	.	N
Nursery, Child Care Facility	.	.	.	N	.	.	N	N
Office	P	P	P	P	P	P	P	P
Office Equipment Sales	N	P	P	N	P	.	P	N
Parking Lot, Rental	N	P	P	N	.	N	N	.
Pawnshop	N	P	P	N	N	N	P	N
Personal Services	P	P	P	N	P	.	.	N
Pharmacy	N	P	P	N	P	.	.	N
Photographic Studio	P	P	P	N	P	P	.	N
Plant Nursery	P	P	P	P	P	N	P	N
Pool Rooms	N	P	P	N	N	N	P	N
Printer	N	P	P	N	P	P	.	N
Private Club	N	N	P	N	P	N	N	N
Radio or TV Station	N	N	N	N	N	P	P	N
Real Estate Office	P	P	P	P	.	P	P	N
Repair Shop, except vehicle or boat repair	N	P	P	N	N	N	P	N
Research Facilities	N	N	N	P	P	P	.	N
Residential Uses	.	N	.	N	.	.	.	N
Restaurants, Fast Food	N	P	P	N	P	N	.	N
Restaurant, Other	.	P	P	N	P	.	.	N
Retail Sales Other	P	P	P	N	P	.	P	N
Sales Office	P	P	P	P	P	P	P	N
Schools—Special, Private	N	.	.	.	.	N	N	N
Schools, Trade, Vocational and Other	N	.	.	.	.	N	N	N
Service Stations	N	N	.	N	N	N	.	N
Sheet Metal Shop	N	N	N	N	N	N	.	N
Special Residential Facilities	.	.	.	N	N	N	N	N
Sports Arena	N	N	N	N	N	N	.	N
Studios (Art, Music)	P	P	P	N	N	P	.	N
Truck, Auto, Trailer, Utility Rental	N	N	P	N	N	N	P	P
Vehicle Customizing	N	N	N	N	N	N	.	N
Vehicle, Boat, Truck, Repair Major	N	N	N	N	N	N	.	N
Vehicle Repair, Minor	N	.	.	N	N	N	.	N
Vehicle Towing	N	N	N	N	N	N	.	N
Vehicle-Boat, Truck Sales	N	N	.	N	N	.	.	N
Warehouse, Storage	N	N	.	N	.	.	.	N

## (B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS (continued)

## GENERAL USE

## DISTRICTS

	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	CI	EO
Watchman's Apartment	N	N	P	N	N	P	P	N
Wholesale	N	P	P	N	N	P	P	N

P = Permitted by right in this district.

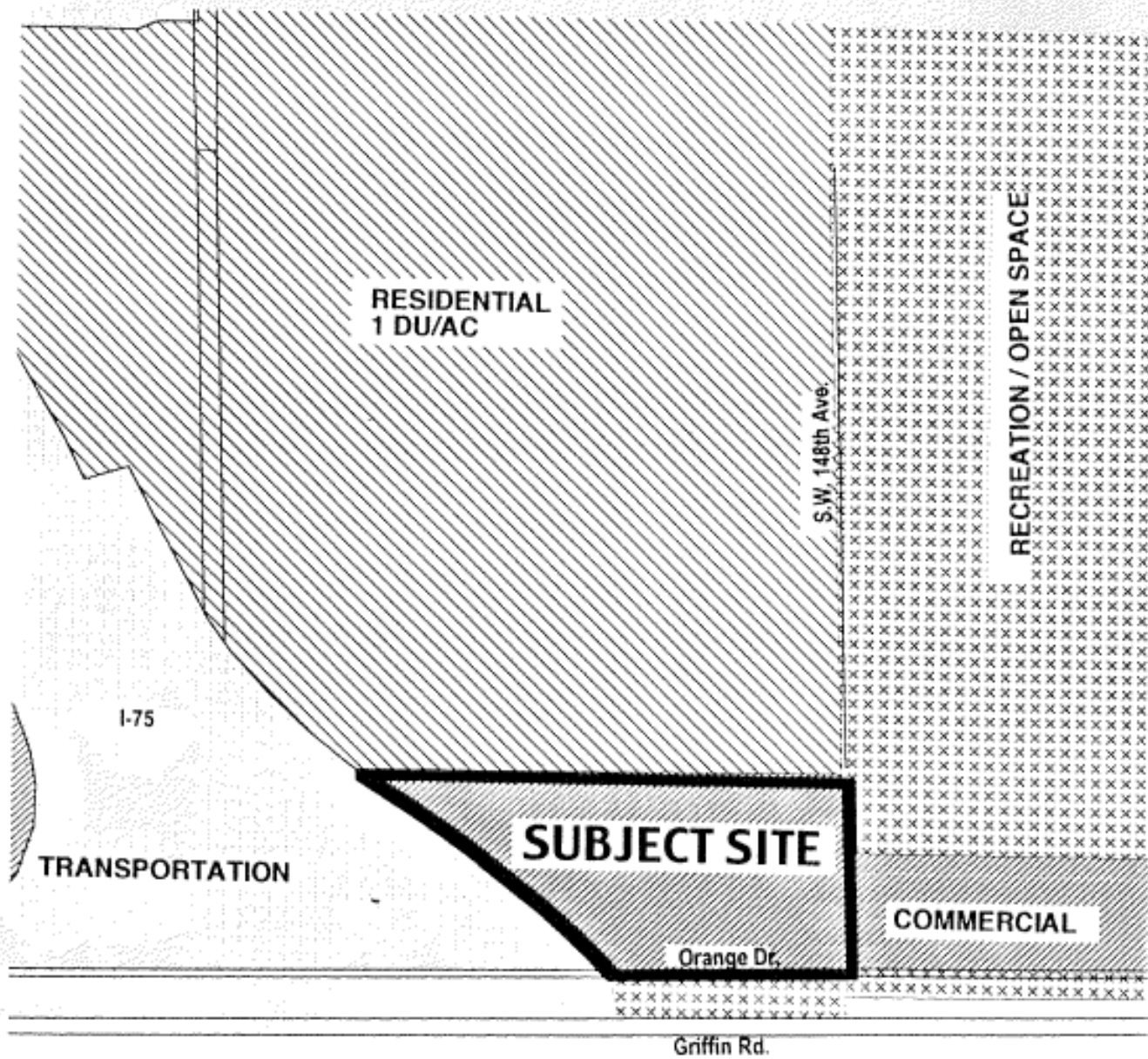
N = Not permitted in this district.

\* = Conditionally permitted subject to detailed use regulations (Section 12-34).

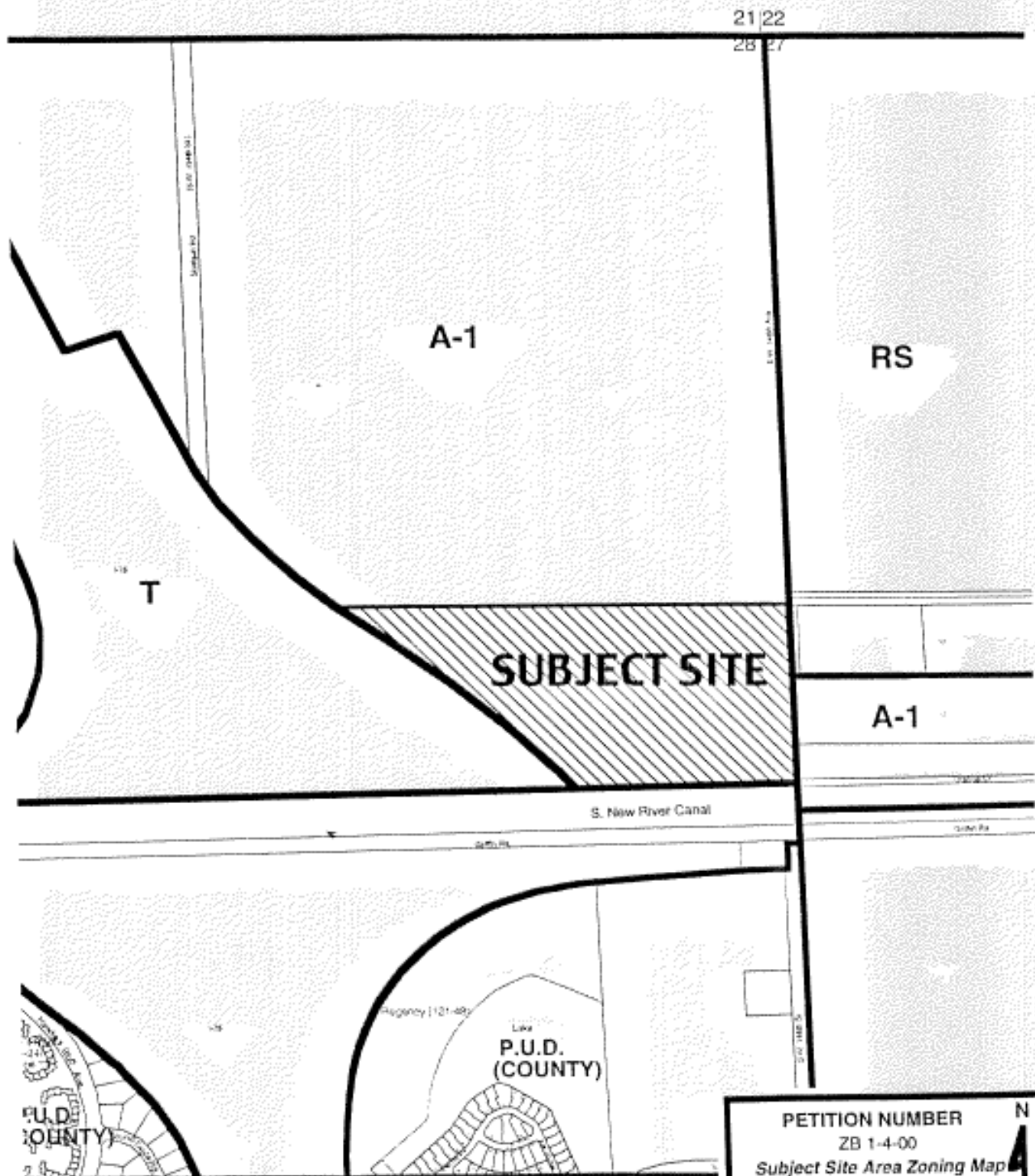
1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

\*\* = Limited to 20% of gross floor area

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.



PETITION NUMBER	N
2B 1-4-00	4
<i>Subject Site Area</i>	
<i>Future Land Use Plan</i>	
PREPARED 3/16/00	Scale: 1"=300'
BY THE PLANNING & ZONING DIVISION	



PETITION NUMBER  
ZB 1-4-00  
Subject Site Area Zoning Map  
PREPARED 3/16/00 BY THE PLANNING & ZONING DIVISION  
Scale: 1"=300'



